

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN ALAN MACOMBER,

Defendant.

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CASE NO. 8:10CR220

ORDER

This matter is before the Court on the Defendant's pro se "Objection and Motion for Reconsideration and Request for Hearing." (Filing No. 31). Defendant Stephen Alan Macomber objects to the Court's construction of his "Application for Temporary Restraining Order and Preliminary Injunction," (Filing No. 27) as a request for transfer to a facility in the State of Kansas. In Filing No. 27, the Defendant, who was detained in Nebraska pending trial on federal charges, argued that he lacked the resources necessary to pursue three pending criminal appeals in the State of Kansas that he sought to litigate pro se. To facilitate the Defendant's access to materials and resources needed to pursue his pro se appeals in Kansas, the Court directed the Marshal to transfer physical custody of the Defendant to a correctional facility in El Dorado, Kansas, effectively designating a facility in Kansas as his place of detention pending disposition of the charges in this case, or pending further order of this Court. (Filing No. 30). The purpose of the order was not to return the Defendant to the "sending state" under the Interstate Agreement on Detainers, but to facilitate his access to legal materials, per his request.

After business hours on May 16, 2012, the Defendant, with assistance of "standby" counsel from the Office of the Federal Public Defender, filed his Objection. The Marshal

effected the transfer of physical custody in the early morning of May 17, 2012, before business hours.

The Court will grant the Defendant's request for a hearing on his Objection. The courtroom deputy, Marian Frahm, will coordinate the scheduling of the hearing at a time when the Defendant can appear telephonically, and when the Assistant United States Attorney and the Defendant's "standby" counsel from the Office of the Federal Public Defender can appear in person.

IT IS ORDERED:

The Defendant's Objection and Motion for Reconsideration and Request for Hearing (Filing No. 31) is granted in part, as follows: The courtroom deputy will schedule a hearing on the Objection at the earliest opportunity, in accordance with this Order.

Dated this 21st day of May, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge